

REMARKS

Claims 1-18 remain in the application and claims 1 and 11 have been amended hereby. Claims 19-45 have been canceled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of claims 1-10, 19-22, and 31-40 under 35 USC 103(a), as being unpatentable over Nakatani in view of Ball et al.

A feature of the dubbing system according to the present invention is a control unit for generating data for imposing payment based on a user ID and a dubbing speed selected by a user.

Another feature of the present invention is a payment imposing unit for determining based on the data for imposing payment (user ID and selected dubbing speed) a payment amount, and for transmitting to the control unit data indicative of proper completion of imposing payment when an electronic transfer of funds equal to the determined payment amount is withdrawn from the user's account.

A further feature of the present invention is that when the control unit receives the data indicative of proper completion of imposing payment, the control unit directs the

dubbing apparatus to start dubbing at the dubbing speed selected by the user.

It is respectfully submitted that the combination of Nakatani and Ball et al. fails to show or suggest a payment imposing device for determining a payment amount based on a dubbing speed selected by a user and a user ID and for withdrawing via an electronic transfer of funds the payment account from an account of the user, and a control unit for starting the dubbing at the dubbing speed selected by the user when the payment is successfully completed.

The Office Action at paragraph 5 concedes that Nakatani fails to show or suggest the above-noted features of the present invention and cites Ball et al. as curing these deficiencies.

It is respectfully submitted that Ball et al. fails to show or suggest a payment imposing unit for determining a payment amount based on a user ID and a user selected dubbing speed, and for withdrawing from the user's account via an electronic transfer of funds the determined payment amount. Ball et al. teaches using various dubbing speeds, however, Ball et al. is silent about varying a payment amount based on a user selected dubbing speed and a user ID.

The Office Action at page 6, states, without support of

any reference, that it is "well known in the art" of designing dubbing systems to vary a payment amount based on a user selected dubbing speed. It is respectfully submitted that assertions of technical facts, such as these, in areas of esoteric technology must always be supported by citation of some reference work. See generally MPEP § 2144.03.

Accordingly, it is respectfully submitted that amended independent claim 1, and the claims depending therefrom, are patentably distinct over Nakatani in view of Ball et al.

Reconsideration is respectfully requested of the rejection of claims 11-18, 23-30, and 41-45 under 35 USC 103(a), as being unpatentable over Ball et al.

Independent claim 11 is the corresponding method claim to apparatus claim 1, which rejection over Ball et al. was discussed above and, for at least the same reasons, it is respectfully submitted that amended independent claim 11, and the claims depending therefrom, are patentably distinct over Ball et al.

The prior art made of record and not relied upon has been reviewed and is not seen to show or suggest the present invention as recited in the amended claims.

Entry of this amendment is earnestly solicited, and it is respectfully submitted that the amendments made to the

claims hereby raise no new issues requiring further consideration and/or search, because all of the features of this invention have clearly been considered by the examiner in the prosecution of this application and because the present amendments serve only to further define and emphasize the novel features of this invention.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,  
COOPER & DUNHAM LLP

  
Jay H. Maioli  
Reg. No. 27,213

JHM/PCF:tl  
encl.

VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS

Please amend claims 1 and 11 by rewriting same to read as follows and cancel claims 19-45, without prejudice or disclaimer.

--1. (Five Times Amended) A record/playback apparatus comprising:

a record/playback unit for reading out data from a first recording medium and recording the data onto a second recording medium;

a control unit for generating basic data for imposing payment [from at least] based on data indicative of a user identification and data indicative of a dubbing speed selected by the user for recording the data read out from the first recording medium onto the second recording medium and for transmitting the basic data for imposing payment, and when receiving data indicative of proper completion of imposing payment, directing the record/playback unit [in response to the received data indicative of the proper completion of imposing payment] to start the recording of the data read out from the first recording medium onto the second recording medium at the dubbing speed selected by the

user; and

a payment imposing unit for determining, when receiving the basic data [from] for imposing payment transmitted by the control unit, an amount of payment [according to] based on the dubbing speed [for recording the data read out from the first recording medium onto the second recording medium and a specific] selected by the user [to be imposed with the payment according to the data indicative of] and the user identification [for imposing the determined amount of payment for the specific user] data and for transmitting to the control unit the data indicative of proper completion of imposing payment [thereby verifying] when an electronic transfer of funds equal to the determined amount of payment is withdrawn from an account of the specific user.

--11. (Five Times Amended) A record/playback method of reading out data from a first recording medium and recording the data onto a second recording medium with the use of an apparatus capable of reading out the data from the first recording medium and recording the data onto the second recording medium, the method comprising the steps of:

generating basic data for imposing payment [from] based on data indicative of a user identification and data

indicative of a dubbing speed selected by the user for recording the data read out from the first recording medium onto the second recording medium;

transmitting the basic data for imposing payment from the apparatus to a payment imposing unit;

imposing payment according to the basic data for imposing payment received, with an amount of payment determined [according to] based on the dubbing speed [for recording the data read out from the first recording medium onto the second recording medium and a specific] selected by the user [to be imposed with the payment is determined according to the data indicative of] and the user identification and for generating data indicative of proper completion of imposing payment [thereby verifying] when an electronic transfer of funds equal to the determined amount of payment is withdrawn from an account of the [specific] user in the payment imposing unit;

transmitting the data indicative of the proper completion of imposing payment from the payment imposing unit to the apparatus; and

directing the apparatus to start recording the data read out from the first recording medium onto the second recording medium at the dubbing speed selected by the user

6715/57089

in response to the data indicative of the proper completion  
of imposing payment.--